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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,712	09/11/2000	Peter Heiler	A-2528	4157
24131	7590	11/16/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CRENSHAW, MARVIN P	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/658,712	Applicant(s) HEILER ET AL.	
	Examiner Marvin P. Crenshaw	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 09/08/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 3, 5 - 14 and 17 - 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5 - 14 and 17 - 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Guaraldi et al.

Guaraldi et al. teaches a rotatable body (Fig. 1) for printing machines comprising a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid and being a slip roller (16), said surface structure being irregularly structured, since all surfaces are irregularly shaped to some degree.

The printing machine wherein the roller serves for carrying one of ink and emulsion (See col. 1, lines 19-22). The printing machine wherein during printing, said roller is in permanent engagement (Fig. 1) with two other rollers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 3 and 5 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guaraldi et al. in view of Buchwald. Guaraldi et al. teaches a rotatable body (Fig. 1) for printing machines comprising a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid and being a slip roller (16), said surface structure being irregularly structured.

Although it is the examiners opinion that Guaraldi et al. teaches an irregular surface, to expedite prosecution, the claims are also being addressed as through Guaraldi et al. does not teach an irregular surface.

Buchwald teaches a rotatable body wherein the surface structure being irregularly structured (Helical, Fig. 4). It would have been obvious to modify Guaraldi et al. to have a rotatable body to have the surface structure being irregularly structured as taught by Buchwald to provide an efficient means for controlling the amount of ink or emulsions while printing.

Guaraldi et al. teaches a printing machine wherein the roller serves for carrying one of ink and emulsion (See col. 1, lines 19-22).

Guaraldi et al. teaches a printing machine wherein during printing, said roller is in permanent engagement (Fig. 1) with two other rollers.

With respect to claim 5, Buchwald teaches the nonmetallic material (See col. 5, lines 65-57 and col. 6, lines 1-6) is selected from the group of materials consisting of hard rubber and hard plastic material.

With respect to claim 6, Buchwald teaches a surface structure is made up of a multiplicity of dimples (Fig. 2) formed in the circumferential surface

With respect to claim 7, Buchwald teaches the surface is formed of slats (Fig. 2).

With respect to claim 9, Buchwald teaches the nonmetallic material (See col. 5, lines 65-57 and col. 6, lines 1-6) is selected from the group of materials consisting of soft rubber and soft plastic material.

With respect to claim 5 – 9, it would have been obvious to modify Guaraldi et al. to have a surface structure for the roller to carry a liquid and having a groove running helically in the circumferential surface as taught by Buchwald because the rotatable body is excellent when carrying or transferring fluids to another roller.

With respect to claim 8, the printing machine having an arithmetical average height of the surface structure is at least 12 microns is merely a design choice for controlling the amount of liquid to be transformed to the other rollers during printing.

With respect to claim 11-14, having a rotatable body having a circumferential surface for carrying a viscid liquid, offset printing ink, a printing-ink emulsion and a dampening-solution, Buchwald teaches a circumferential surface (See Col. 3, lines 19-39) for a roller for use in conventional printing presses that is used to carry any liquid of use in the press.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchwald.

Buchwald teaches a rotatable body for printing machines (Fig. 1) the rotatable body comprising a circumferential surface (See col. 5, lines 45 – 50) being formed of a nonmetallic material (See col. 5, lines 65 - 67) and having a surface structure selected from one of the group consisting of a groove running helically (Fig. 4) in the circumferential surface and said circumferential surface carrying a liquid and being a roller selected from the group of rollers consisting of a slip roller (See col. 9, lines 35 – 43).

With respect to claim 18 and 21, Buchwald teaches a rotatable body wherein the nonmetallic material is a material selected from the group consisting of soft rubber, soft plastic material, hard rubber, and hard plastic material (See col. 5, lines 65- 67).

With respect to claim 19 and 22, Buchwald teaches a rotatable body wherein the circumferential surface carries a material selected from the group consisting of a viscid liquid, an offset printing ink, a printing-ink emulsion, and a dampening solution emulsion (See col. 9, lines 35 – 50).

Response to Arguments

Applicant's arguments filed August 08, 2004 have been fully considered but they are not persuasive. With respect to claims 1-3,10,15 and 16, Guaraldi et al. teaches a rotatable body having a circumferential surface for transferring liquid to another roller.

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He also specifies using a slip roller as his rotatable body in a printing machine. Also, Buchwald teaches the surface structure of the roller for carrying a liquid.

With respect to the roller having an irregularly surface structure, the applicant hasn't stated in the claims what the irregularly surface structure is for the roller, with that structure not being clearly stated the prior art or Guaraldi et al. as modified by Buchwald teach all that is claimed as having a roller with an irregularly surface structure for transferring liquid to the other rollers.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC
November 8, 2004



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